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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,096	06/08/2006	Kimio Tada	062626	1488
38834 7590 05/19/2010 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER				
HUJAZ, OMAR F				
ART UNIT		PAPER NUMBER		
3633				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

Office Action Summary

Application No.

10/582,096

Applicant(s)

TADA, KIMIO

Examiner

OMAR HIJAZ

Art Unit

3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

The Amendment filed on March 16, 2010 has been entered. Claim 1 has been amended. Therefore, claims 1 and 2 are now pending in the application.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1 and 2 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As per claim 1, at line 8, the following claim language presents new matter which was not originally disclosed in the specification. In the recitation "a displacement prevention groove engraved", the term "engraved" was not originally disclosed in the written specification. In addition, at line 11, the following claim language presents new matter which was not originally disclosed in the specification. In the recitation "said pre-cast concrete block is a triangular pillar", the term "pillar" was not originally disclosed in the written specification.

Claim Objections

3. Claim 1 is objected to because of the following informalities:

As per claim 1, at line 8, the recitation "said pair of said surfaces" is understood to mean --said pair of said side surfaces--.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U.S. Patent No. 1,450,404) in view of Buffaloe (U.S. Patent No. 1,985,143).

As per claim 1, Anderson teaches a pre-cast concrete block (concrete stair block; title) for constructing a staircase (figure 1), comprising: a horizontal stepping surface (4); a rise surface (2) perpendicular to the stepping surface (as illustrated, the rise surface is perpendicular to the stepping surface; figure 1); and a rear surface (surface which is abutting support member 6; figure 1) which connects diagonally the stepping surface and the rise surface at respective edges thereof (as illustrated, the rear/bottom surface connects the riser surface and the stepping surface diagonally; figure 1), the rear surface having a recess (as illustrated, the rear surface has an opening in the bottom; figure 2) for reducing the weight of the block (it is understood that this would reduce the weight of the block), the recess having round parts with a specified radius at inner corner parts of the recess (as illustrated, the recess is rounded off at the corners; figure 2); and a pair of side surfaces constituting outermost sides of said pre-cast concrete block, (as illustrated, the stair block has side surfaces on either side at the outermost

part; figures 1 and 2), wherein the round parts form a partially cylindrical recessed surface (as illustrated, the round parts in the recess are partially cylindrical; figure 2) and wherein said pre-cast concrete block is a triangular pillar (as illustrated, the concrete block has a generally triangular cross-section; figure 1).

Anderson fails to disclose each pair of said side surfaces having a displacement prevention groove engraved on an exterior side thereof.

However, Anderson does disclose cutting out the concrete center portion in order to reduce the amount of material used. Furthermore, forming recesses in concrete elements to reduce the weight is known in the art (as shown in Buffaloe; col. 2, lines 15-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the stair block of Anderson to include grooves on the exterior sides in order to further reduce the weight of the stairs in order to facilitate handling of the blocks.

As per claim 2, Anderson fails to disclose a second recess for reducing the weight of the block, said second recess being formed in the rise surface.

Buffaloe discloses a precast concrete step (title) whereby the step includes a recessed surface 9 in the step (figure 4).

Therefore from the teaching of Buffaloe, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify rise surface of the stair block of Anderson to include a recessed surface as taught by Buffaloe in order to further reduce the weight of the stair (col. 2, lines 10-20).

Response to Arguments

7. Applicant's arguments and amendments have been considered but are moot in view of the new ground(s) of rejection. Applicant argues the grooves as represented in the former secondary reference Holland would not create a means for stabilizing the block of primary reference Anderson. Examiner disagrees on the grounds that the grooves on the interior could be used as a rod support such as the one shown in figure 2 by the rod 8 in the groove 7'. However, applicant's current amendment to the claim specifies that the grooves are placed on the exterior of the sides of the block and this limitation is overcome by new secondary reference VanderWerf. Additionally applicant argues that the grooves are used for securing several blocks side by side. However it is important to note that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In addition, applicant argues that since Anderson already disclose a recess under the block which provides a light construction, then one of ordinary skill in the art would not have a reason to modify the block of Anderson by providing another recess in the riser surface, as this point is suggested by secondary Buffaloe. However, examiner disagrees on the grounds that the motivation to combine is based upon providing a second recess in order to **further** reduce the weight of the stair. Furthermore it is common in the art of construction to make such modifications dependent upon what the design requires, and

it would have been obvious to one of ordinary skill in the art to create a further recess in the step in order to further reduce the weight of a plurality of blocks.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR HIJAZ whose telephone number is (571)270-5790. The examiner can normally be reached on Mon-Fri 9:30 a.m. - 7:00 p.m. (alternating Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on (571)272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OFH

/Brian E. Glessner/
Primary Examiner, Art Unit 3633